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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-10-1019

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

ANDREI KULAGO,
also known as,
"Andronik Gontcharov"

(T. 8, U.S.C.,
§§ 1326(a) and
1326(b)(2))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

DANIEL TEITELBAUM, being duly sworn, deposes and states that he is an Enforcement Officer with Customs and Border Protection, duly appointed according to law and acting as such.

On or about September 5, 2010, within the Eastern District of New York and elsewhere, the defendant ANDREI KULAGO, also known as "Andronik Gontcharov," being an alien who had previously been arrested and convicted of an aggravated felony, to wit: Possession with Intent to Manufacture Methamphetamine, in violation of Title 21, United States Code, Section 841(a)(1), and was thereafter deported from the United States and who had not made a re-application for admission to the United States to which Secretary of the Department of Homeland Security, successor to the Attorney General, had expressly consented, attempted to enter the United States.

(Title 8, United States Code, Section 1326(b)(2)).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I am an Enforcement Officer with Customs and Border Protection ("CBP") and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On May 17, 2009, the defendant arrived at JFK International Airport aboard Delta flight no. 31 from Moscow, Russia. The defendant presented an Alien Registration card #A98170787 bearing the name "Andronik Gontcharov" and requested admission as a returning United States resident alien. After the defendant's fingerprints were taken, two records appeared, one for "Andrei Kulago" and one for "Andronik Gontcharov." According to CBP records, "Andrei Kulago" was deported after being convicted of felony in 1999. There were no such impediments to "Andronik Gontcharov" entering the country. Therefore, at that

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

time, the defendant was granted admittance into the United States.

3. Subsequently, CBP Officers looked at the pictures associated with the fingerprint records for "Andrei Kulago" and "Andronik Gontcharov" and noticed that the photographs associated with both records depicted the same person. As a result, a lookout was set for both "Andrei Kulago" and "Andronik Gontcharov."

4. On September 5, 2010, the defendant arrived at JFK International Airport aboard Delta flight no. 31 from the Moscow, Russia. Once again, the defendant presented an Alien Registration card #A98170787 bearing the name "Andronik Gontcharov" and requested admission as a returning United States resident alien. When the CBP Officer saw the lookout, the defendant was referred to secondary inspection. During secondary inspection the defendant admitted that he had been previously convicted of a felony and deported under the name "Andrei Kulago." The defendant also admitted that, after having been deported, he had two of his fingerprints surgically altered in order to assume a new identity. The defendant was then placed under arrest.

5. A review of the defendant's criminal history reflects that on or about July 29, 1998, the defendant was convicted of Possession with Intent to Manufacture

Methamphetamine, in violation of Title 21, United States Code, Section 841(a)(1), an aggravated felony offense.

6. I have also reviewed official immigration records, which document that the defendant is a former permanent resident of the United States and a citizen of the Russia.^{2/} Immigration records further indicate that, on February 4, 1999, the defendant was ordered to be removed from the United States by an Immigration Judge after being convicted of the above-described aggravated felony offense. On November 29, 1999, the defendant was deported to Russia.

7. A preliminary search of the files of the Department of Homeland Security has revealed that there exists no request by the defendant for permission from the Secretary of the Department of Homeland Security, successor to the Attorney General, to re-enter the United States after deportation.

² The defendant was born in the United Soviet Socialist Republic.

WHEREFORE, your deponent respectfully requests that the defendant ANDREI KULAGO, also known as "Andronik Gontcharov," be dealt with according to law.



DANIEL TEITELBAUM
Enforcement Officer
Customs and Border Protection

Sworn to before me this
7th day of September, 2010